

Development Management Report

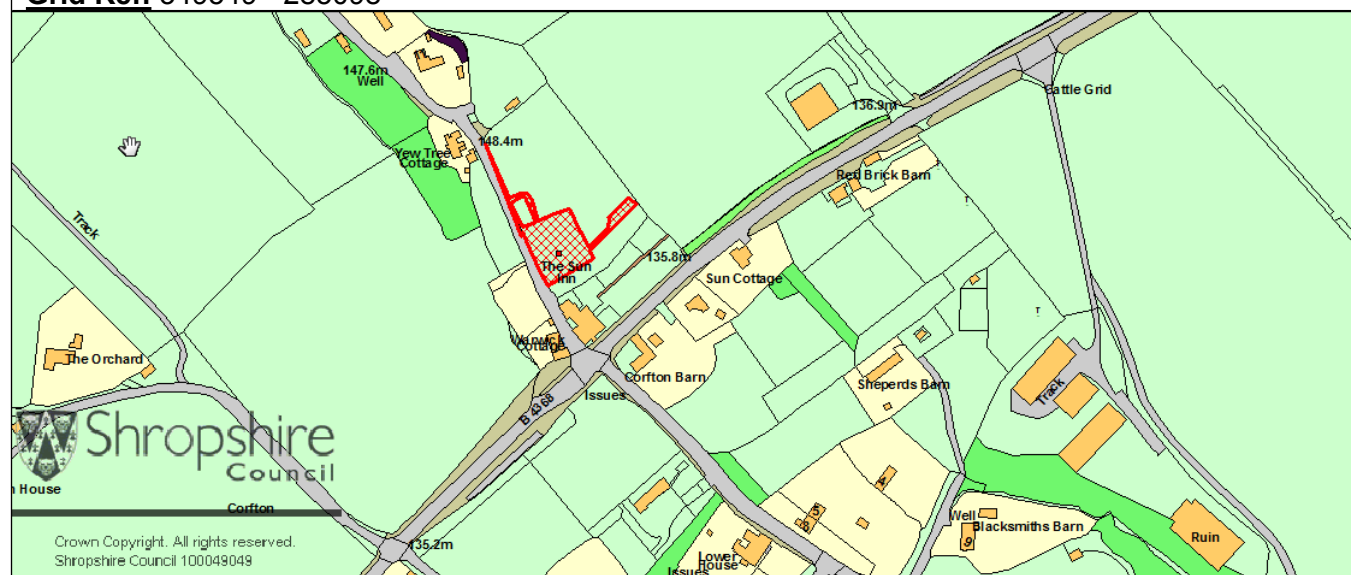
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Summary of Application

<u>Application Number:</u> 18/03863/OUT	<u>Parish:</u>	Diddlebury
<u>Proposal:</u> Outline application for the erection of detached cottage and garage to include means of access		
<u>Site Address:</u> Proposed Dwelling To The East Of Corfton Shropshire		
<u>Applicant:</u> Mr R Burgoyne		
<u>Case Officer:</u> Heather Owen	<u>email:</u> planning.southern@shropshire.gov.uk	

Grid Ref: 349549 - 285098



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of a detached dwelling and garage and formation of new vehicle access.
- 1.2 Appearance, landscaping, layout and scale are all reserved for consideration under a separate reserved matters application should outline planning permission be granted, although an indicative block plan and site section has been provided.
- 1.3 During the process of this application, the applicants agents amended the site plan which relocated the proposed access further east along the lane and amended slightly the location of the drainage soakaway.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises of a sloping field to the north side of The Sun Inn in Corfton. The site is accessed off the north side of the B4368 via a single width unclassified highway which give access to a small group of properties known as Corfton Batch, before merging with public bridleway track.
- 2.2 The site is of a sloping nature, set at a higher ground level than the highway, with the edge built up by a bank of rough stone walling, covered with vegetation and above which lies mature boundary hedging. To the north/north-west of the site lies a group of residential properties. The site is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).
- 2.3 A previous application (10/00835/FUL) for a dwelling on the northern upper section of this field was withdrawn in April 2010 with no decision being made.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council raise views contrary to officer recommendation. This case has been discussed with the Local Member and the Chair and Vice Chair of the Southern Planning Committee where it was determined that due to its sensitive location of the site the application requires consideration at planning committee.

4.0 Community Representations

- 4.1 Consultee Comments

Note: As mentioned above during the process of this application the applicants agent submitted amended plans, as such a full re-consultation was carried out. The consultee comments set out below include both the original comments received and any comments to the amended plans where they differ to the original comments.

- 4.1.1 Diddlebury Parish Council - 09/08/2019 - Response to amended site and block plans: Objection:

Diddlebury Parish Council has considered this amended application. The Parish Council does not support this application, and objects to it, for the following reasons:-

1. Whilst acknowledging that Highways on 01.08.19 supported the revised siting of the access drive on improved safety grounds (see 30/10/18 Highways comments on safety) it still does not meet DPC's original objection, namely that it will involve the destruction of part of the hedge of the ancient hollow way serving Corfton Bache.
2. The other objections the parish council raised in its response of 30th September 2018 still remain, namely:
 - The development has no local support
 - The proposed local open market planning applications far exceed the original SAMDev/Place Plan criteria for Corfton of 1 – 5 new dwellings (unilaterally increased to 10 by Shropshire Council) and now stands at 16 houses approved by planning applications.
3. Since DPC's initial response of 30th September 2018 DPC was asked at a meeting on 24th October 2018 to consider a Petition produced by 75% of the Corfton residents in which they ask that no more housing, other than affordable housing, be sanctioned in Corfton.

At DPC's meeting on 23rd January 2019 a motion was unanimously passed that DPC will formally request that Corfton is withdrawn from the Community Cluster and becomes Open Countryside for planning purposes; that DPC will not support further applications for new housing in Corfton and that DPC will submit a response to the SC Local Plan Review - Preferred Sites Consultation which reflects this decision.

Diddlebury Parish Council – Response on original plans: Objection:

Diddlebury Parish Council considered this application at its meeting last night.

In reaching its decision on this application, the parish councillors took into account the contents and nature of the twelve varied objections to this application in the public comments section of the portal, (one of which was neutral), and the comments of the various statutory bodies.

After carefully weighing all the views and evidence, the parish council voted, by a majority, to object to this application for the following reasons:

- ☐ There is no local support for this development
- ☐ The amount of open market development agreed in the Parish Plan for Corfton has already been considerably exceeded
- ☐ The proposed access to the development is considered to be potentially dangerous and would involve irrevocable destruction to part of the wall and hedge of the ancient hollow way serving the Corfton Bache community.

- 4.1.2 SUDS: Re-consultation Comments: Recommend condition regarding surface and foul water drainage and informatives regarding sustainable drainage systems.

SUDS: Original comments: Recommend informative regarding design of sustainable drainage systems.

- 4.1.3 Shropshire Hills AONB: Standing advice neither objecting or not objecting to the scheme, advise that it is the duty of the planning authority to take into account the planning policies regarding the AONB and the AONB Management Plan.

- 4.1.4 SC Affordable Houses: If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

- 4.1.5 SC Ecology: No further comments on amended plans.

SC Ecology: Response to original plans: No objection, recommend condition relating to landscaping, external lighting and informatives relating to nesting birds.

- 4.1.6 SC Highways: Response to amended plans: No objection - subject to the development being carried out in accordance with the approved details, recommended condition regarding the gradient of the access and informatives on works to highways.

SC Highways: Response to original plans: No objection, recommend condition requiring details of construction of access, levels and visibility splays.

4.2 Public Comments

- 4.2.1 This application as originally submitted was advertised for 21 days via site notice (expired 21.09.2018) and directly in writing to 5 neighbouring properties (expired 20.09.2018). Re-consultation was carried out on the amended plans directly in writing to all original properties written too and all those who had responded to the original publication (expired 16th August 2019)

- 4.2.2 Objections from 9 separate households have been received on the original plans:
- No need for more open market housings – in recent years 13 houses have been granted planning permission for Corfton, as opposed to the 5 specified in the current place plan.
 - The applicant already has permission for 2 houses.
 - The scheme is neither a conversion or infilling as required by the SAMDev policy.
 - This scheme opens the ‘flood gates’ for more properties all over the field.
 - The site is AONB, it should be protected for the benefit for future generations.
 - A previous applications for a similar scheme with comparable access was

objected to by the Shropshire Hills AONB in April 2010 – These reasons are still valid.

- Access – Why can't the existing access to the field not be used?
- The new access would mean demolishing a large section of wall (around 27m at least would need removing), bank and several trees.
- Harm to an historic hollow way to Diddlebury Common.
- Highways Safety – The access is on the steepest part of the lane where cars speed down.
- The Junction of this lane with the B4368 is already perilous without adding additional traffic.
- The Bridleway which runs up and down Corfton Bache is well used and the additional traffic would cause disruption.
- Loss of wildlife due to removal of hedging and banks.
- Loss of visual aesthetics through removal of wall.
- The drainage does not comply with new build standards and the soakaway location appears to drainage into one of the other approved buildings (ref - 16/04550)
- The information provided with this application (albeit outline) is totally inadequate on which to base any objective opinion on the dwelling proposed. Outline plans, elevations, choice of materials, means of disposal of storm and foul water, landscaping proposals, mitigation plan for damage to ecology - none of this essential information has been submitted.
- Note that that previous application to convert a barn on the applicants land was refused.

4.2.3 1 comment received:

Request that if permission is granted it includes trees are planted between The Sun Inn, its brewery and the proposed dwelling to reduce noise.

4.2.4 Re-consultation:

Objections from 8 separate households have been received to the amended plans:

- Corfton has already exceeds the authority guideline for a maximum of 5 new houses.
- Further development would be unsustainable,
- The area is within the AONB and should not be built on.
- Potential for further development within the area.
- Access implies that no hedges will be cut down, but this is what would need to happen.
- The loss of hedges, banks and the naturally formed stone wall would impact wildlife and destroy the aesthetics of the area.
- Corfton Bache road is historically significant and allowing this access would impact this.
- Corfton Batch road is a well-used bridleway, the extra traffic will cause disruption.
- The amended scheme makes things worse – as even more of the ancient hollow way would be destroyed.
- An independent survey on the impact on nature and amenity value should be undertaken.
- Access should be via the main road, past the developers existing new housing or via the existing field access.

- Since the submission of this application a petition has been sent to Shropshire Council from Corfton residents opposing the grant of any further permissions, this is supported by the Parish Council.
- Any argument that Corfton might fail to deliver the required number of housing by 2026 is flawed – Corfton is already overloaded with permissions for new housing.
- These superficial adjustments to the position of the property, and the access onto Corfton Bache, does not reduce its detrimental impact on the local community, and risks to residents, walkers, horse riders and cyclists who enjoy this renowned route. It also still destroys ancient walls and hedging in a designated AONB.
- More detailed outline plans, elevations, choice of materials, etc, should be provided. There is no drawn indication as to how stormwater will be disposed of (other than a tick against soakaway in the planning statement), and foul water disposal is noted and shown on the site layout plan to be via a septic tank; we understood that current regulations would require a package treatment plant.
- Neither landscaping proposals nor a mitigation plan for damage to ecology, has been submitted, both of which are essential information.
- The new drive would provide future entrances to one or even two more dwellings on what is currently an agricultural field.
- All the objections previously submitted still apply.
- The dwelling is not classed as 'affordable'
- There are no community benefits to this development.
- There is no explanation for these amendments – cannot see that vehicles would be able to turn left and down the lane.
- The plans are misleading and indicate possible turning opposition yew tree cottage – the highway does not extend to the north as far as the grey area shown on the plan.
- There are three houses under construction within Corfton itself and preliminary site work on another (18/02934/FUL) had started. That means that the construction of four houses (80% of the relevant number) is already in hand.
- While it is noted that the Highways Committee has supported the application, this is on the grounds of "safety", this comment takes no account of the effect on the local environment.
- Corfton is a historical rural hamlet and should not be changed by developers into the equivalent of a suburban housing estate.
- Drainage concerns - The planning (18/03510/FUL) has its drainage discharging in to my garden (grey water) and car park (storm water) as per planning of this application. (18/03863/OUT) is close to (18/03510/FUL) and my fear is the grey water and the storm water will end up in the drains in my garden and car park, overwhelming the drains in my garden ending up on the pubs car park and on to the road.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Biodiversity

Highway Safety
Drainage
Residential Amenity
Affordable Housing Contribution

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.
- 6.1.2 For new housing development, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in policy CS3; CS4 and set out in detail in the Council's SAMDev Plan, policy MD1.
- 6.1.3 Corfton is identified as a component of a Community Cluster alongside Bache Mill, Boulton, Broncroft, Middlehope, Peaton, Seifton (Great/Little) Sutton and Westhope under SAMDev Policies MD1 and S7. The allocation of the settlement as a community cluster implies that the location in general is sustainable and this carries significant weight (the NPPF states that proposals which accord with an up-to-date development plan should be approved without delay).
- 6.1.4 The settlement policy for this cluster, S7, gives a guideline of around five additional dwellings, and no more than ten, in each of the Cluster settlements by 2026, and besides conversion schemes the intention is for these to comprise infill development on suitable small-scale 'windfall' sites.
- 6.1.5 Since there is no predefined development boundary around Corfton the question of whether or not specific schemes would constitute infilling is a matter for judgment in each case. However the explanatory text accompanying Core Strategy Policy CS4 confirms that, in order to avoid fragmented development, new housing should be located within the settlements themselves and not on adjoining land or in the countryside in-between.
- 6.1.6 According to the Council's 'Type and Affordability of Housing' Supplementary Planning Document (SPD), a settlement is characterised partly by the relationship between its various properties, its limits being defined by where that relationship peters out. The SPD also acknowledges that this varies from settlement to settlement, depending on the number of houses and their proximity to each other.
- 6.1.7 This particular proposal looks to construct a dwelling on the southern part of an existing field. To the south lies the existing public house of The Sun Inn and there is an existing cottage to the south east, albeit separated by the lane. There are no properties along the east side of the site or directly opposite the road on the west,

however it is noted there is a further group of properties to the north/north west side of the site and as such and bearing in mind the other locations within Corfton which have been accepted as infill it is considered on balance that this site would represent infill.

6.1.8 Regarding housing numbers, the Council's Five Year Housing Land Supply Statement provides the most recent formal data available and confirms as of 31st March 2018, across the cluster there has been 1 completion and 20 sites with planning permission. As previously noted within this report the settlement policy for this settlement states that each of the settlements are expected to deliver on suitable small site or through conversions around 5 additional dwellings (not exceeding 10). It is acknowledged that since the adoption of the SAMDev plan, Corfton has experienced the brunt of the planning permissions granted across this Cluster, with records indicating of the 20 planning permissions there is permission for 13 dwellings being within Corfton itself. Both the Parish Council and neighbour objections bring to attention to a petition submitted to Planning Policy in response to the current local plan review consultation on preferred sites. That petition signed by 31 residents asks for the removal of Corfton from the Community Cluster given the number of permissions for new dwellings is already double that expected within the whole plan period. The Local Plan review is still at the early stages and a recommendation in response to the local community request regarding Corfton has yet been made. Due to the early stages of the local plan review only a limited weight can be given to this aspect and this planning application has to be considered in accordance with the current adopted policy.

6.1.9 Turning back to the issue of the amount of approved development within Corfton. SAMDev Policy MD3 explains that the settlement housing guidelines are not absolute maxima, and this has been emphasised in appeal decisions elsewhere. SAMDev policy at MD3.2 provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to have regard to:

- i) *The increase in number of dwellings relative to the guideline; and*
- ii) *The likelihood of delivery of the outstanding permissions; and*
- iii) *The benefits arising from the development; and*
- iv) *The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
- v) *The presumption in favour of sustainable development.*

6.1.10 On applying the criteria listed in policy MD3.2, it is acknowledged that the scheme if permitted would add to the number of permissions granted within the cluster as a whole which if all delivered would increase the number of dwellings within Corfton above the cluster guideline. Of the 13 permissions identified 1 dwelling has been completed (16/04746/FUL) and since the publication of the Five year land supply, it appears work has begun on at least three other dwellings (16/04173/REM, 18/03510/FUL and 18/02934/FUL). Of the remaining planning permissions it should be noted that outline planning permission 16/02751/OUT has now expired, with the deadline for submission of a reserved matters application having passed. This brings the number of outstanding permissions within Corfton itself to 12, although it is accepted that should this permission be granted it would take the total figure

back to 13 dwellings.

- 6.1.11 The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five-year supply. It would provide some local benefit in terms of construction work and additional residents who in turn will spend money within the wider local area, albeit it is acknowledge that for small scale developments these benefits are small.
- 6.1.12 Corfton has been identified as an appropriate location for residential development and the Local Planning Authority is satisfied that this designated has been made taking into account the long term sustainability of the settlement and county as a whole. Granting this permission would add by 1 to the number of dwellings above the 10 guideline limit, giving a total of 3 dwellings above the guideline: Such a number would not be considered as delivering unsustainable development which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy.
- 6.1.13 On balance it is considered that, while the settlement guideline with respect to dwelling numbers would be exceeded, the above material planning considerations are sufficient to conclude there is no in-principle planning policy objection to the proposed development of this site for one dwelling. The acceptability or otherwise of the proposal therefore turns upon the detailed matters assessed below.

6.2 Visual impact, landscaping and Shropshire Hills AONB

- 6.2.1 Both national and local plan policy seek to ensure developments are of a high quality of design which seeks to create distinctive places. At paragraph 126 the NPPF acknowledges that the level of design detail and degree of prescription should be tailored to the circumstances of each place. Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy the more general design requirements under Policy CS6 and SAMDev Policy MD2. These expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing.
- 6.2.2 Part 15 of the NPPF at paragraph 172 states that great weight should be given to conserving landscape and scenic beauty of Areas of Outstanding Natural Beauty. Policies CS17 and MD12 support these national policies seeking to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- 6.2.3 It is acknowledged that the layout, scale and appearance of the dwelling and detached garage are reserved matters in this case, planning authorities can request additional information where there is room for doubt that a development can be designed in a way which would actually be acceptable, for example because the location is visually sensitive. Meanwhile applicants can choose to supply illustrative plans to amplify their intentions, and certainly if such plans show desirable features and it is reasonable to do so, these can be secured through a specific planning condition.

- 6.2.4 Here, without prejudice to the committee's ultimate decision on the principle of developing this site, officers sought clearer assurance that the scale of the house would not cause undue landscape harm, bearing in mind the elevated and sloping levels. In response the applicants agent has submitted an indicative sectional drawings demonstrating how the site and proposed access could sit within the street scene. The drawing indicates a dormer property and shows how a dwelling of that design could sit between the levels of the properties to the north of the site and that of the Sun Inn at the South. The property would be set within the lower part of the sloping field and as such would be set at a lower height than the properties to the north, which are arguably in a more elevated location set further up the slope. The sectional drawing also however indicates that the property would stand higher than the road and the properties towards the bottom on the slope, namely The Sun Inn and Warwick Cottage. However it should be borne in mind this is also true of some of the other properties already in existence along this lane and in the wider context of other properties in more exposed locations on the fringes of the village and elsewhere along the foot of Wenlock Edge. The existing mature tree and roadside hedging would also filter some of the views of the proposed property and where glimpses of the development are possible the main 'B' road the property would be view in context of existing buildings. Other aspects such as materials and detailing, and also landscaping of the plot, would be subject to agreement at the reserved matters stage, however to mitigate the visual impact it is considered that a condition should be included that restricts the height of any proposed house to either single storey, or with any first-floor accommodation to be within the roof only.
- 6.2.5 Particular objections have been raised with regards to the visual impact of the formation of a new access and the impact on the character of the lane onto which the access would open onto. It is acknowledged that the formation of a new access here would result in a visual change to the lane due to the need to remove a part of the boundary hedging, bank and stone walling to form the opening. However when assessing the impact of this part of the development the committee members should take into the planning balance that permitted development rights do allow for the formation of a means of access onto an unclassified road where required in connection with any other permitted development set out within the GPDO, this can include formation of a hardstanding for example. The stone wall is not a listed structure and although appears to be of local interest does not appear to be regularly maintained and is not a highly visible feature within the lane, being currently screened with vegetation. The visual changes as a result of the formation of the access would be limited to the lane itself rather than the wider landscape and on balance it is considered the access, whilst would change the character of the lane would not do so to a significant degree to justify refusal.
- 6.2.6 Overall it is accepted that inevitably there would be some landscape impact as a result of developing this site, however when the above is considered in the planning balance it is judged that it is possible to build a dwelling without significant detriment to the character of the Corfton, the visual amenity of character and natural beauty of this part of the Shropshire Hills AONB.

6.3 Biodiversity

- 6.3.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat.

The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible.

- 6.3.2 The Councils Ecologist has considered the application whom considers no surveys are required in this instance and is content that ecological interests can be safeguarded and mitigated by conditions to provide additional landscaping enhancement and informatives relating to general wildlife protection during development.

6.4 Highway Safety

- 6.4.1 Paragraph 109 of the NPPF states that developments should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.4.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.
- 6.4.3 The scheme seeks to form a new access onto the unclassified road which leads to Corfton Bache. The amended plans relocated the access from the originally proposed location further up the lane to enable the provision of a 33m x 2.4m visibility splay. Objection is raised to the intensification of the use of the lane as a result of this development and the impact on the safety of road users including pedestrians and horse riders, given the lane leads to a public bridleway. The Councils Highways Team have considered the application and acknowledge that this lane is restricted in width, however it is lightly trafficked and the additional movements associated with the proposed dwelling would not have a significantly adverse impact on the surrounding Highway network or compromise highways safety.
- 6.4.4 Third party comments suggest the use of the existing field gate in the south corner of the site could be used as access to the proposed dwelling. However the Councils Highways team do not support the use of this access as it is not considered that sufficient visibility could be provided to form a satisfactory access.
- 6.4.5 Due to the narrow nature of the surrounding highway network it is also considered that a Construction Management Statement should be provided to ensure that vehicles associated with the construction works are managed in an appropriate way to prevent congestion within the surrounding area and to protect amenity.

6.6 Drainage

- 6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff.

- 6.6.2 The Council's Flood and Water Management Team have advised that details of the proposed surface water drainage can be conditioned and submitted for approval at the reserved matters stage in the event of outline planning permission being given. They do not envisage any unresolvable technical issues to achieving satisfactory drainage here for the number of residential units proposed.

6.7 Residential Amenity

- 6.7.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available, that the impact of the proposed development upon the residential amenities of existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise.

6.8 Affordable Housing Contribution

- 6.8.1 The Council's Core Strategy Policy CS11 and a related Supplementary Planning Document require all market housing schemes to make an affordable housing contribution (usually a one-off payment in lieu of on-site provision where a small number of dwellings is proposed). However this requirement is now effectively superseded by the revised NPPF published in July 2018 and revised February 2019, which states categorically (at Paragraph 63) that affordable housing provision should not be sought in connection with small-scale developments. It must therefore be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution should be sought here.

7.0 CONCLUSION

- 7.1 The application site is situated within the settlement of Corfton, part of a nominated community cluster where the principal of open market housing development acceptable on suitable sites in accordance with policies CS4 and MD1. The application site is considered to represent infill forming part of the settlement of Corfton and on balance it is judged that the addition of one further dwelling in this settlement would not cause demonstrable harm to the settlement character in terms of the number of new houses within the area.
- 7.2 The precise, layout, scale and design of the dwelling would be addressed at a reserved matters stage, and whilst it has to be accepted that there would be some impact on landscaping the indicative drawings demonstrate how the site could potentially accommodate a dwelling without resulting in significant harm to the character of Corfton or the wider landscape and natural beauty of the AONB. There are no objections raised by technical teams regarding highway safety, ecology or drainage.
- 7.3 Overall on balance it is considered that the application accords with the principal determining criteria of the relevant development plan policies and it is recommended that the application is approved

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of

conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Policy Practice Guidance

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD12 - Natural Environment

Settlement: S7 - Craven Arms

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PDMAIETDFS200>

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Cecilia Motley

Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The first submission of reserved matters shall include a landscape plan. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. integrated bat and bird boxes, hedgehog-friendly gravel boards and native species hedge planting);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

5. The site shall be developed with one single storey dwelling; if first floor accommodation is to be provided it shall be within the roof space only.

Reason: To preserve the visual amenities of the area.

6. With the exception of the application site boundary outlined in red and the access proposal nothing in this permission shall be construed as giving approval to the details shown on the drawings accompanying this application, as such details are intended for illustration purposes only.

Reason: To define the permission and to retain planning control over the details of the development.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. Prior to the commencement of the development, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

8. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

9. Prior to the first occupation of the dwelling hereby permitted, the access, turning and parking areas shall be laid out in accordance with details of their design and surfacing which have first been approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the highway and to safeguard the visual amenities and rural character of the area.

10. If non permeable surfacing is used on the new access, driveway and parking area or where any part of the new access and drive slopes toward the highway, a drainage system to ensure that no surface water runoff from the new access run onto the highway should be submitted approval in writing by the Local Planning Authority before the construction and layout of the access and drive. The drainage system shall be installed in full accordance with the approved details prior to the first occupation of the dwelling.

Reason: To ensure satisfactory drainage of the site and to avoid flooding onto the highway.

11. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

12. The gradient of the access from the highway carriageway shall not exceed 1 in 24 for a distance of 6m and thereafter the gradient of the drive shall not exceed 1 in 10.

Reason: To provide a safe access to the development in the interests of highway safety.

13. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

Informatives

1. SURFACE WATER

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

URBAN CREEP

Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance % of impermeable area
Less than 25	10
30	8
35	6
45	4
More than 50	2
Flats & apartments	0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

'Curtilage' means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

FOUL DRAINAGE

British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development i.e. for a 4 bedroom dwelling, the population equivalent should be 6 and the sizing of the septic tank and drainage fields should be designed to cater for a minimum of 6 persons and in accordance with the Building Regulations H2 Paragraph 1.18. These documents should also be used if other form of treatment on site is proposed.

2. Nesting bird informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place within 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of

local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

3. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway,
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway the publicly maintained highway.

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/section-50-street-works-licence/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

4. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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